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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael F Hoey et al.

Title: Tissue Discrimination and Applications in Medical Procedures

Docket No.: 80100.059US2

Filed: March 29, 2004

Examiner: Unknown



Serial No.: 10/812,038

Due Date: N/A

Group Art Unit: 3732

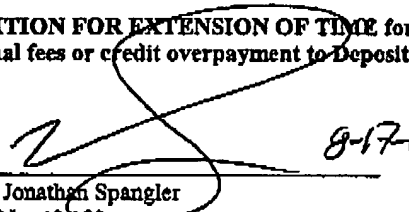
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.☒ An Information Disclosure Statement (2 pgs.), Form 1449 (1 pg.). Documents NOT enclosed.

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 50-2040.

**CUSTOMER NUMBER 30,328**  
(858-527-1936)

By:   
Atty: Jonathan Spangler  
Reg. No. 40,182

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of August, 2004.

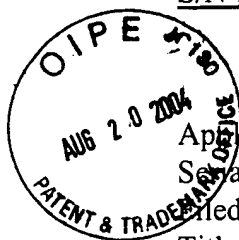
MEREDITH MESCHER  
Name

Meredith Mescher  
Signature

(GENERAL)

S/N 10/812,038

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Michael F. Hoey et al.	Examiner:	Unknown
Serial No.:	10/812,038	Group Art Unit:	3732
Filed:	March 29, 2004	Docket:	80100.059US2
Title:	Tissue Discrimination and Applications in Medical Procedures		

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**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicant respectfully requests that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicant requests that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicant with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees in order to have this Information Disclosure Statement considered.

Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

**INFORMATION DISCLOSURE STATEMENT**

Serial No :10/812,038

Filing Date: March 29, 2004

Title: Tissue Discrimination and Applications in Medical Procedures

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Dkt: 80100.059US2

The Examiner is invited to contact the Applicant's Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

Michael F. Hoey et al

By their Representatives,

**CUSTOMER NUMBER 30,328**

858-527-1936

Date 8-17-04

By [Signature]  
Jonathan Spangler  
Reg. No. 40,182

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MEREDITH MESCHER  
Name

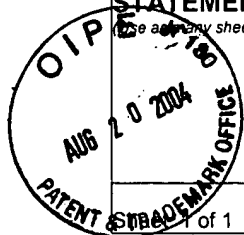
Meredith Mescher  
Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use additional sheets as necessary)



Complete if Known

Application Number	10/812,038
Filing Date	March 29, 2004
First Named Inventor	Hoey, Michael
Group Art Unit	3732
Examiner Name	Unknown

Attorney Docket No: 80100.059US2

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-4,962,766	10/16/1990	Herzon, G. D.	128	741	07/19/1989
	US-5,196,015	03/23/1993	Neubardt, Seth L.	606	61	04/30/1992
	US-5,474,558	12/12/1995	Neubardt, S. L.	606	79	07/18/1994
	US-5,759,159	06/01/1998	Masreliez, C. J.	600	547	
	US-5,775,331	07/07/1998	Raymond, S. A., et al.	128	741	06/07/1995
	US-5,785,658	07/28/1998	Benaron,			
	US-5,862,314	02/16/1999				
	US-5,872,314	02/16/1999	Clinton,			
	US-5,928,158	07/01/1999	Aristides, A.	600	547	03/25/1997
	US-6,135,965	10/24/2000	Tumer, K., et al.	600	476	12/02/1996
	US-6,292,701	09/01/2001	Prass, R. L., et al.	607	116	07/29/1999
	US-6,312,392	11/01/2001	Herzon, G. D.	600	554	04/06/2000
	US-6,466,817	10/01/2002	Kaula, N. F., et al.	600	546	06/08/2000

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>
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**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
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**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached